

UNITED STATES DISTRICT COURT

# DISTRICT OF NEVADA

JOHN GASSW, aka,  
LUCSC VUAGUESC

Case No. 3:20-cv-00262-RCJ-CLB

## ORDER

## Plaintiff

v.

DONALD TRUMP, et. al,

## Defendants

## I. DISCUSSION

On May 1, 2020, Plaintiff, an inmate in the custody of the Federal Bureau of Prisons (BOP) submitted a civil complaint and filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-2). Plaintiff's application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
  - (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
  - (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted an *in forma pauperis* application on this Court's approved form. Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The Court will grant Plaintiff a one-time extension to file a fully complete application to proceed *in forma pauperis* on this Court's approved form and containing all three of the required

1 documents. Plaintiff will file a fully complete application to proceed *in forma pauperis* on  
2 or before Monday, July 6, 2020, 60 days. Absent unusual circumstances, the Court will  
3 not grant any further extensions of time. If Plaintiff is unable to file a fully complete  
4 application to proceed *in forma pauperis* with all three required documents on or before  
5 Monday, July 6, 2020, the Court will dismiss this case without prejudice for Plaintiff to file  
6 a new case with the Court when Plaintiff is able to acquire all three of the documents  
7 needed to file a fully complete application to proceed *in forma pauperis*. To clarify, a  
8 dismissal without prejudice means Plaintiff does not give up the right to refile the case  
9 with the Court, under a new case number, when Plaintiff has all three documents needed  
10 to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may  
11 choose not to file an application to proceed *in forma pauperis* and instead pay the full  
12 filing fee of \$400 on or before Monday, July 6, 2020 to proceed with this case. The Court  
13 will retain Plaintiff's civil rights complaint (ECF No. 1-2), but the Court will not file the  
14 complaint unless and until Plaintiff timely files a fully complete application to proceed *in*  
15 *forma pauperis* with all three documents or pays the full \$400 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
18 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
19 application to proceed *in forma pauperis* with all three documents.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
21 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
22 document entitled information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before Monday, July 6, 2020, Plaintiff will  
24 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and  
25 the \$50 administrative fee) or file with the Court:

26 (1) a completed Application to Proceed *in Forma Pauperis* for Inmate on this  
27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
28 signatures on page 3),

- 1                   (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
2                   official (i.e. page 4 of this Court's approved form), and  
3                   (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
4                   **previous six-month period.**

5                   IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
6                   application to proceed *in forma pauperis* with all three documents or pay the full \$400  
7                   filing fee for a civil action on or before Monday, July 6, 2020, the Court will dismiss this  
8                   action without prejudice for Plaintiff to refile the case with the Court, under a new case  
9                   number, when Plaintiff has all three documents needed to file a complete application to  
10                  proceed *in forma pauperis*.

11                  IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
12                  (ECF No. 1-2) but will not file it at this time.

13                  DATED: May 6, 2020.

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17                  UNITED STATES MAGISTRATE JUDGE

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